REGULAR
COUNCIL MEETING
April 18, 1988

The regular meeting of the Elkton Town Council was held April 18, 1988 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, H. W. Leap, H. A. Leet and L. C. Life. R. L. Snow was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief were also present.

Councilman Leap introduced Mr. Kitchen, General Manager of Adelphia Cablevision from Staunton to Luray. Mr. Kitchen reported that Adelphia plans to totally rebuild the system starting in Luray. He answered questions and briefly outlined their plans for improving cable service.

Mr. G. W. Berry was present. He stated that council voted at the last meeting to grant Mr. Schumacher a building permit to build an apartment house on a corner lot on Morgan Avenue. He pointed out that while discussing this council had stated they wanted to be fair to Mr. Schumacher. Mr. Berry questioned the fairness to the people living on Morgan Avenue. He feels council's action in granting the building permit will decrease the value of their property in that area.

Several members of council pointed out that Mr. Schumacher had wanted to combine two lots and build on both lots but council did not feel this would be fair to Mr. Berry and the others living on Morgan Avenue. They felt the action taken by council was being fair to both parties concerned as legally Mr. Schumacher could build on the corner lot.

Benny King came before council regarding council's action to deny Mr. Schumacher a building permit to build on both lots. He stated that council had pretty much ignored the town attorney's advice that council had no legal grounds to deny Mr. Schumacher a building permit to build on both lots. He questioned the need to enact new zoning ordinances if council isn't going to abide by the old ones. He also asked why council didn't bring the Board of Zoning Appeals into this. He wondered why council bothers to have these boards if they are going to make all the decisions. Mr. King stated that a much nicer building could have been built if Mr. Schumacher had been allowed to build on both lots.

Several members of council stated that they didn't completely ignore the attorney's advice. They had some questions regarding setting a precedent if they allowed the building on both lots and their definition of "lot" differed from that of the attorney. They did what they felt was right. The question was raised as to whether the Board of Zoning Appeals has the right to combine two lots and they felt it would not have done any good to bring in the Board.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the Public Hearing, March 21, 1988 and the Regular Meeting, March 21, 1988 as presented.

Mr. Monger reported on a letter from the Department of Housing and Community Development concerning the Virginia Statewide Fire Prevention Code. The main part of the letter stated that localities have a number of enforcement options available to them under the provisions of this code. However, if a local government chooses not to enforce the code, then the State Fire Marshal will have enforcement authority in that jurisdiction.

They also sent a copy of the 1987 Edition which includes the options available. Mr. Monger stated he called the County, who does all of our inspections, and they are not set up to have a separate fire code enforcement. Mr. Kruger said this has not come before the Board of Supervisors but he feels they will leave it up to the State Fire Marshal. There is a form the Town needs to send back and we need to mark one of the following:

1. We have adopted the enforcement provisions of the Statewide Fire Prevention Code.

2. We are interested in adopting the enforcement provisions of the Statewide Fire Prevention Code and request more information or to have contact made with us. (Please provide information listed below.)

3. We are in the process of adopting the enforcement provisions of the Statewide Fire Prevention Code.

4. We will not be adopting the enforcement provisions of the Statewide Fire Prevention Code.

Mr. Monger's recommendation is to mark number four.

Mr. Monger reported on the following resolution from Rockingham County:

RESOLUTION

WHEREAS, U. S. 340 is a major north-south route serving Rockingham County: and

WHEREAS, the highway is hazardous along its two-lane route, particularly at night and in times of adverse weather conditions; and

WHEREAS, continuing industrial and commercial development in eastern Rockingham County is expected to significantly increase truck and other vehicular useage of U.S. 340;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, Virginia, that said Board respectfully requests and urges the Virginia Department of Transportation to initiate action on major improvements, including dual-laning, of U. S. 340 through the County; and

BE IT FURTHER RESOLVED that copies of these preambles and resolutions be sent to the Virginia Department of Transportation, the County's representatives in the General Assembly, the Councils of the Towns of Elkton and Grottoes, and the Board of Supervisors of the County of Page, Virginia.

Given under my hand this 5th day of April, 1988.

William G. O'Brien
County Administrator

Adopted by the Rockingham County Board of Supervisors on March 23, 1988.

Councilman Holt reported that the Chamber of Commerce meets each year with the Virginia Department of Transportation and talked about priorities. One of their matters of major concern, which they sent to the VDT, was the four laning of Route 340 from at least Shenandoah to Grottoes. Another item listed was the stop light on Stuart.

Mr. Monger reported that there was suppose to be a representative from the Little League at the last meeting to ask permission from the council to let the Maintenance Department remove the poles from around the Little League Park that doesn't have lights on it and to use town equipment to do the work.

Mayor Dean reported that Councilman Snow was ill tonight but he had written a note asking that a motion be made to give Mr. Monger permission to remove these poles.

Mr. Monger reported that the Rockingham Municipal League will meet Wednesday night, April 20th., at Bridgewater at Woody's Restaurant.

Mr. Monger distributed copies of correspondence from William Veno, Director of Planning for Rockingham County, regarding Planned Growth and William O'Brien, County Administrator, regarding Town/County Annexation Agreements. Mr. Monger requested council review these and then pass their opinions or comments on to him.

Mayor Dean stated that the last item on annexation is the result of his asking Mr. Hulings to provide the Town with some information on annexation.

Mr. Monger stated that the draft amendments will be run by the Planning Commission.

Mr. Monger reported that council had told Mr. I. J. Conley at the last meeting that a formal request would be needed from him concerning a sewer line to his property. Mr. Conley is in the hospital but he says as soon as he is out and about he will prepare a formal request to present to the Town.

Chief Pence presented the monthly police report.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of March.

Mr. Monger stated that we need to know, for budget proposes, what percentage of salary increase is planned.

Councilman Leap reported that Mr. Monger feels we need to have a study done on the Town's electric system regarding what needs to be replaced and a replacement schedule. The Electric Committee will bring this back to council when they have more information.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to authorize Mr. Monger to instruct his crew to remove the utility poles around the Little League field.

Councilwoman Life asked Mr. Monger if he had anything to report regarding Streets and Sidewalks.

Mr. Monger reported that paving was scheduled to be done the first of this week but the pavior called and said it would be the end of the week or the first of next week. Streets scheduled for paving are all of Elkwood and the total length of Sixth Street from Marshall to the end.

Councilwoman Life read a note from Allison Lawson thanking council for inviting her to present her "History of Elkton" at the last council meeting.

Councilwoman Life reported that EPIC is having a clean up day on Saturday, May 7th. and would like for the Town to provide a truck for the trash as was done last year. Mr. Monger stated he would take care of this.

Councilwoman Life requested that an ad be run in the paper regarding the Town's clean up in May.

Councilwoman Life asked Mrs. Leap how many had signed up for the summer sewer rate. Mrs. Leap stated there were approximately 130.

Councilman Leet reported that the Water and Sewer Committee had met and discussed a number of items. In regards to the sewer system in the center of town, Mr. Monger has come to the conclusion that the area between the triangle and the railroad is the point where most of our problems are, especially in terms of inflow. Mr. Monger feels this is the point the Town should work on first. They don't have any fixed cost but it will approximately cost about $6,000.00. The Water and Sewer Committee recommends this to council as an item the Town should proceed with. Mayor Dean stated this would not require a motion as council is in agreement that this should be done as soon as possible.

Councilman Leet reported that the committee discussed the Pentecostal Hill request for water and sewer. Their opinion was that this would have to be studied first by the Planning Commission and there should be a feasibility study before any action is taken. The County would need to act in regard to cost. The committee has no objection to this if something can be worked out, but they are in no position to make any recommendation at this point. Mr. Monger stated this feasibility study could be a part of the annexation study.

Councilman Leet reported that the Town has received a lot of request from people in the Monger Hill area, including both sides of the road, for water and sewer. Either they haven't contacted the County or the County has sent them to the Town. The committee feels there needs to be a study made before anything is done so that you have a plan. Mr. Monger talked to the engineer that works for the County and worked on the water and sewer extension to the shopping center and asked him what he would estimate it would cost if he would make such a plan and he estimated it would be about $5,000.00 for water and sewer in that general area. This would include staking off, all field work and map work.

Councilman Holt stated he was having a little trouble seeing why the Town should be concerned how much it costs the County to run water and sewer to those people who are not within the corporate limits.

There was some discussion regarding the hookup fees, who is responsible for doing this work and who the people in that area are to contact when they want to connect to the system. Mr. Monger stated we need to find out if the County is interested in serving the people in that area, if not, is the Town interested. This is where he feels the Town will get their money from this line. It was the general opinion of council that Mr. Monger needs to contact the County regarding hooking people up in the Monger Hill area as council feels it is the County's responsibility.

Councilman Holt reported that the Planning Commission met and recommended that the request by Garland R. Davis to subdivide Tract 1, making a new Tract 1B, containing approximately 7,350 square feet be granted.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to approve the recommendation of the Planning Commission.

Councilman Holt reported on the letter from the Central Shenandoah Planning District Commission regarding the cost estimates for a new Comprehensive Plan and an Annexation Feasibility Study. The Comprehensive Plan was estimated

at approximately $8,000.00. Both Mr. Monger and Councilman Holt felt the CSPD would only be redoing the plan, they would not be starting from scratch and they have a good base so this would be too much money. Councilman Holt suggested not approving this at this time but felt they should go back to Mr. Strider to see if they could get a better figure.

Councilman Holt reported that the Elkton Annexation Feasibility study would cost approximately $7,137.73. They say they could handle it in the Fiscal Year 1989 work program. Councilman Holt feels this one will probably be fitted into our budget for next year. If council agrees with this tonight, then the Central Shenandoah Planning District Commission could be instructed to go ahead and make plans to do the study and it would be paid from the 1988-89 fiscal year.

Councilman Leet stated he feels Mr. Davenport should check our water and sewer contract with the County to see what it says regarding annexation.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried that council approve an Annexation Feasibility study to be made by the Central Shenandoah Planning District Commission at the approximate cost of $7,137.73 for the next fiscal year.

Councilman Holt reported that the County has come up with a new proposed poultry facility ordinance and they will be having a public hearing on this March 27th. at 7:30 P.M. He suggested council members take a look at this proposed ordinance. Councilman Holt stated he plans to attend the public hearing.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to go into Executive Session to discuss personnel matters and possible acquisition of property.

Councilman H. W. Leap moved, seconded by Councilman B. B. Holt and carried to go from Executive Session back into Regular Session.

Mayor Dean reported that one of our police officers, Page Campbell, will be leaving the force April 26th. to go to work for the Luray Police Department.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk